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09/745,391	12/22/2000	Magnus Hansson	45051-00010	1122

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EXAMINER

VUONG, QUOCHIE B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/745,391

Applicant(s)

HANSSON, MAGNUS

Examiner

Quochien B Vuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3/1, 4/1, 5-8, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara (US 6,577,861).

Regarding claim 1, Ogasawara (figure 4) discloses a portable communication apparatus comprising a microphone (100); a processing device (38 and 104) having an input operatively coupled to the microphone; wherein the processing device is adapted to generate a digital output signal from a first electric signal received from the microphone; a reading device (20 or 27) adapted to generate a second electric signal from an optical or magnetic input signal; wherein the processing device is operatively coupled to the reading device such that the second electric signal from the reading

device may be received at the input of the processing device (column 14, line 63 – column 16, line 7).

Regarding claim 3(3/1), Ogasawara discloses the reading device comprises an optical emitter and an optical receiver for reading information stored in a barcode (figure 4, reference numeral 20).

Regarding claim 4(4/1), Ogasawara discloses the reading device comprises a magnetic sensor for reading information stored in a magnetic strip on a card (figure 4, reference numeral 27).

Regarding claim 5, Ogasawara discloses the processing device comprises an amplifier (figure 4, reference numeral 130), an A/D converter (reference numeral 120), and a digital signal processor (reference numeral 122, 124, and 128).

Regarding claim 6, Ogasawara discloses the apparatus is a radio telephone (column 9, lines 10-20).

Regarding claim 7, Ogasawara discloses the reading device is integrated inside an apparatus housing of the portable communication apparatus (column 9, lines 36-40).

Regarding claim 8, Ogasawara disclose the reading device is located outside an apparatus housing of the portable communication apparatus and is connected through an accessory connector provided in the apparatus housing (column 9, lines 30-35; and figures 1-4).

Regarding claim 10, Ogasawara discloses the radiotelephone comprises a mobile telephone (column 9, lines 10-20).

Art Unit: 2685

Regarding claim 11, Ogasawara (figure 4) discloses a portable communication apparatus comprising a microphone (100); a processing device (38 and 104) having an input operatively coupled to the microphone for receiving a first electrical signal from the microphone; a reading device (20 or 27) adapted to generate a second electric signal from an optical or magnetic input signal; wherein the processing device is operatively coupled to the reading device such that the second electric signal from the reading device may be received at the input of the processing device (column 14, line 63 – column 16, line 7).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3/2, 4/2, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,577,861) in view of Swartz et al. (US 5,923,735).

Regarding claim 2, Ogasawara does not specifically disclose a switching device having a first input coupled to the microphone, a second input coupled to the reading device, an output coupled to the processing device, and a control input for selecting whether the first or the second electric signal is to be forwarded to the processing device. However, in the same field of endeavor, Swartz et al. (figures 1-2) disclose a switching device (5 and 6) having a first input coupled to the microphone (17 and 53), a

Art Unit: 2685

second input coupled to the reading device (13 and 56), an output coupled to the processing device (58), and a control input for selecting whether the first or the second electric signal is to be forwarded to the processing device (column 6, line 11 – column 7, line 30). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the switching device of Swartz et al. to the portable communication apparatus of Ogasawara for enabling a user to select a scan mode or voice mode as desired.

Regarding claim 3(3/2), Ogasawara disclose the reading device comprises an optical emitter and an optical receiver for reading information stored in a barcode (figure 4, reference numeral 20).

Regarding claim 4(4/2), Ogasawara disclose the reading device comprises a magnetic sensor for reading information stored in a magnetic strip on a card (figure 4, reference numeral 27).

Regarding claim 12, Ogasawara (figure 4) discloses a portable communication apparatus comprising a microphone (100); a processing device (38 and 104) having an input operatively coupled to the microphone for receiving a first electrical signal from the microphone; a reading device (20 or 27) adapted to generate a second electric signal from an optical or magnetic input signal (column 14, line 63 – column 16, line 7).

Ogasawara does not specifically disclose a switching device having a first input coupled to the microphone, a second input coupled to the reading device, an output coupled to the processing device, and a control input for selecting whether the first or the second electric signal is to be forwarded to the processing device. However, in the same field of

Art Unit: 2685

endeavor, Swartz et al. (figures 1-2) disclose a switching device (5 and 6) having a first input coupled to the microphone (17 and 53), a second input coupled to the reading device (13 and 56), an output coupled to the processing device (58), and a control input for selecting whether the first or the second electric signal is to be forwarded to the processing device (column 6, line 11 – column 7, line 30). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the switching device of Swartz et al. to the portable communication apparatus of Ogasawara for enabling a user to select a scan mode or voice mode as desired.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Zipf et al. (U.S. Patent Number 5,604,640).

Regarding claim 9, Ogasawara discloses the portable communication apparatus as in claim 4/1. Ogasawara does not specifically disclose the magnetic sensor comprises a coil. However, it is well known in the art for a magnetic sensor comprising a coil as taught by Zipf et al. (column 4, lines 24-35, and figure 3). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the coil of Zipf et al. to the magnetic sensor of Ogasawara as a system design preference for sensing the information.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Swartz as in claim 4/2 and further in view of Zipf et al. (U.S. Patent Number 5,604,640).

Regarding claim 9, Ogasawara and Swartz et al. discloses the portable communication apparatus as in claim 4/2. Ogasawara and Swartz et al. do not specifically disclose the magnetic sensor comprises a coil. However, it is well known in the art for a magnetic sensor comprising a coil as taught by Zipf et al. (column 4, lines 24-35, and figure 3). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the coil of Zipf et al. to the magnetic sensor of Ogasawara and Swartz et al. as a system design preference for sensing the information.

### ***Response to Arguments***

7. Applicant's arguments filed 12/01/03 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that Ogasawara fails to disclose a processing device having an input operatively coupled to the microphone; wherein the processing device is operatively coupled to the reading device such that the second electric signal from the reading device may be received at the input of the processing device. The examiner, however, does not agree with the Applicant. Ogasawara discloses in figure 4, the data path from the barcode reader (20) to the input of the microprocessor (38) and the data path from the microphone (100) to A/D converter (120) and to the input of the microprocessor (38) (see bold line in figure 4; column 15, lines 8-45).



Art Unit: 2685

Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 3-10, see the response to claims 1 and 2 above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ackley (US 6,212,401) discloses a data acquisition using telephone connection

O'Hagan et al. (US 6,424,830) disclose a portable data collection network with telephone and voice mail capability.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2021

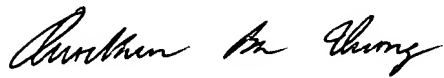
Crystal Drive, Arlington, VA 22202, Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

Art Unit: 2685

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.



**QUOCHIE B. VUONG**  
**PRIMARY EXAMINER**

Quochien B. Vuong

Feb. 19, 2004.